

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	Criminal No. 05-CR-443
v.	:	
	:	(Chief Judge Kane)
TERRANCE WILLIAMS,	:	
	:	
Defendant	:	

MEMORANDUM

Before the Court is a motion in limine filed by Defendant Terrence Williams to exclude the deposition testimony of Kerri Hudson. (Doc. No. 1029). The motion has been briefed and is ripe for disposition.

I. BACKGROUND

Williams has moved to exclude the testimony of Kerri Hudson, who was arrested as a material witness in connection with the above captioned indictment. (Doc. No. 1029.) Williams argues that Ms. Hudson's testimony describing certain unlawful activities of Williams is "unrelated to any of the specific charges alleged in the indictment or the overt acts described therein and is not relevant under Rule 402 of the Rules of Evidence." (*Id.* ¶ 3.) Williams complains that Ms. Hudson's testimony bears "no apparent relationship" to the conspiracy alleged in the indictment, and he also contends that the Middle District is not the appropriate venue to prosecute these offenses which, if true, occurred outside of its geographical borders. (Def. Br. in Supp., Doc. No. 1030, at 5-6.)

In response, the Government emphasizes that "the relevance of Ms. Hudson's testimony can hardly be understated." (Gov't Br. in Opp., Doc. No. 1038, at 2.) By way of example, the Government explains that Ms. Hudson's testimony describes Williams and Co-defendant Derrick Maes traveling together in interstate commerce for the purpose of prostituting a juvenile and

details a concerted action and/or a tacit agreement between these two men whereby a prostitute of Maes would train one of Williams's prostitutes. (*Id.*) In response to the venue argument mounted by Williams, the Government points out that Williams is not being charged with the substantive offenses of having prostituted Kerri Hudson in Detroit, Michigan. Rather, he is charged with an interstate conspiracy to travel in interstate commerce "to the Middle District of Pennsylvania and elsewhere," including Michigan, for the purposes of facilitating and engaging in prostitution. (*Id.* at 3-4.)

II. DISCUSSION

The Court has reserved ruling on Defendant's motion because it "present[s] issues for which final decision is best reserved for a specific trial situation." Walden v. Georgia-Pacific Corp., 126 F.3d 506, 518 n.10 (3d Cir. 1997) (citing American Home Assur. Co. v. Sunshine Supermarket, Inc., 753 F.2d 321, 324 (3d Cir. 1985)). Where evidence is challenged on the basis that it is irrelevant, "the considerations weighed by the court will likely change as the trial progresses."¹ *Id.* Considered now in the context of the evidence presented to date, Defendant's motion in limine must be denied. The Government has presented two full days of testimony, including the extended testimony of Wayne Banks and Jessica Klempner, as well as a portion of the testimony of Co-defendant Derrick Maes. Through these witnesses, the Government has introduced sufficient evidence to establish the existence of the conspiracy alleged in Count I of the indictment, and has identified Williams as a conspirator. Although the challenged testimony pertains to events that occurred outside of the Middle District of Pennsylvania and before the

¹ In fact, Defendant Williams himself concedes that the testimony may be relevant, should the Government establish a relationship between the events described by Ms. Hudson and charges against Defendant Williams in the superceding indictment. (Doc. No. 1030, at 6.)

dates of the overt acts alleged against Williams in the indictment, the events discussed by Ms. Hudson are nonetheless probative of the existence of the conspiracy and thus admissible as relevant evidence. Accordingly, the motion in limine will be denied.

III. OBJECTIONS TO CERTAIN DEPOSITION TESTIMONY

During the course of Ms. Hudson's deposition, counsel made various objections. The Court rules upon these objections as follows:

Objection (by deposition page number and line)	Ruling
Page 23, line 24	overruled
Page 26, line 8	overruled
Page 30, line 10	sustained
Page 31, line 17	sustained
Page 31, line 13	sustained
Page 33, line 9	sustained
Page 33, line 24	sustained
Page 34, line 19	sustained
Page 44, line 10	sustained
Page 50, line 16	sustained
Page 54, line 21	sustained
Page 56, line 1	sustained
Page 57, line 9	sustained
Page 59, line 10	overruled
Page 60, line 13	overruled
Page 64, line 20	overruled
Page 66, line 7	sustained
Page 68, line 7	sustained

Page 78, line 7	sustained
Page 79, line 15	sustained
Page 81, line 14	sustained
Page 82, line 12	sustained
Page 83, line 19	overruled

The Government will be instructed to edit the video deposition as needed to reflect the Court's rulings on these objections.

An appropriate order follows.

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	:	(Chief Judge Kane)
TERRANCE WILLIAMS, ERIC	:	
HAYES, and ROBERT SCOTT, SR.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 4th day of October, 2007, **IT IS HEREBY ORDERED THAT** Defendant Williams's motion to exclude the deposition testimony of Ms. Hudson (Doc. No. 1029) is **DENIED**.

IT IS FURTHER ORDERED that the video deposition shall be edited by the Government to reflect the Court's rulings on the objections as set forth in the accompanying memorandum opinion.

s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania